

have committed mortgage fraud, bank fraud, money laundering, tax fraud, wire fraud, and perjury in violation of the Racketeering and Corrupt Organizations Act ("RICO"), the Hobbs Act, the Patriot Act, as well as a host of other federal statutes cited throughout the Petition. However this information can only be gleaned from the subheadings contained in the Petition since no factual allegations are set forth regarding any action taken by any of the Defendants herein which would support maintaining a cause of action under any of those statutes.

5. Plaintiff has failed to plead with the requisite particularity any fraud against Defendant Nationwide and Defendant Morris because the Petition contains no allegations regarding the nature of any fraudulent misrepresentations made by either.

6. The Plaintiff fails to allege any wrongdoing whatsoever by Defendant Morris, and only mentions her once throughout the entire Petition, and then only lists her as a Defendant in this lawsuit. (Petition p.4, ¶5(d)).

7. The Plaintiff's only specific mention of Defendant Nationwide, other than to identify it as a Defendant, comes in the allegation that Nationwide conducted the public sale on a day that Plaintiff erroneously alleges the court house was closed. (Petition p.2, ¶11).

8. The Plaintiff has failed to set forth any factual allegations sufficient to support injunctive or specific performance relief against Defendant Nationwide or Defendant Morris as prayed for in the "Conclusion" portion of the Complaint. (Petition p.57). Further, injunctive relief would be inappropriate in this action as the sale has already been completed.

9. The Plaintiff has failed to set forth any factual allegations sufficient to

support an award of punitive damages or attorney's fees or costs against Defendant Nationwide or Defendant Morris as prayed for in the "Conclusion" portion of the Petition. (Petition p.57).

10. Plaintiff fails to set forth any factual allegations sufficient to support any cause of action under any legal theory of recovery against Defendant Nationwide or Defendant Morris.

In further support of its Motion to Dismiss, the Defendants rely upon their Brief in Support of 12(b)(6) Motion to Dismiss filed contemporaneously herewith.

WHEREFORE, Defendant Nationwide and Defendant Morris, by counsel, move this Honorable Court to dismiss the Plaintiffs' Petition to Set Aside Foreclosure Sale, with prejudice, as to Defendants Nationwide and Morris and to award any such further relief as this Honorable Court deems proper.

Respectfully submitted,

DEFENDANT NATIONWIDE TRUSTEE SERVICES, INC. and
DEFENDANT MATRESSA R. MORRIS
By Counsel

_____/s/_____

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Attorney for Defendants:
Nationwide Trustee Services, Inc. and Matressa R. Morris

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mitchell B. Perkins, pro se
4307 Third Street
Richmond, VA 23223

And I hereby certify that I will mail the document and a copy of the NEF, pursuant to Fed. R. Civ. P. 5(b) by U.S. Mail to the following non-filing user:

Mitchell B. Perkins, pro se
4307 Third Street
Richmond, VA 23223

_____/s/_____

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